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Circular

R49

REGISTRATION FOR VIDEO GAMES AND OTHER MACHINE READABLE AUDIOVISUAL WORKS

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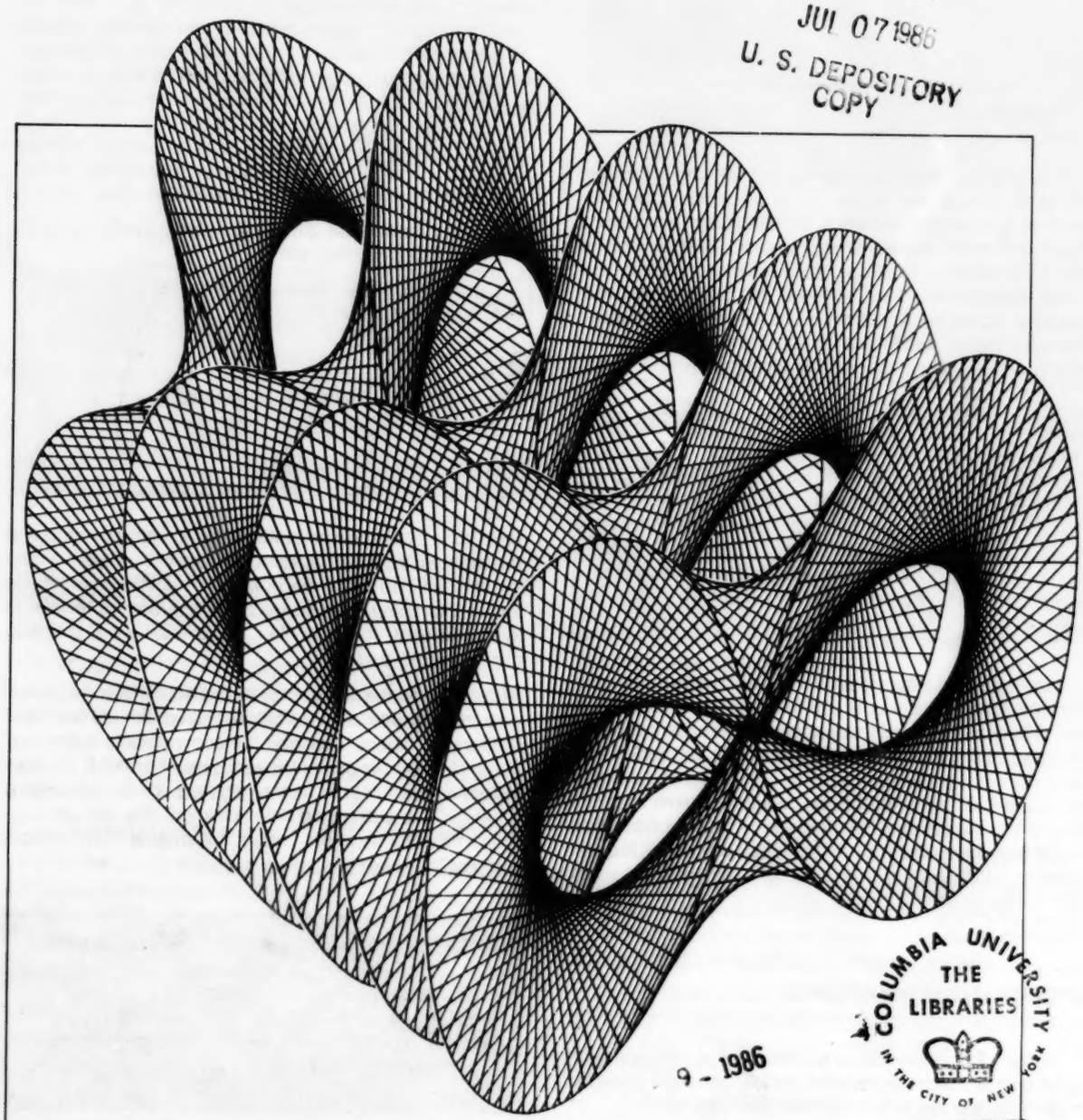

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Registration for Video Games and Other Machine Readable Audiovisual Works

IN GENERAL

An audiovisual work consists of a series of related images intended to be shown by the use of machines or devices, such as projectors, viewers, or electronic equipment, together with any accompanying sounds. Most audiovisual works are fixed in filmstrips, slides, films, or videotapes. Some audiovisual works, however, are fixed in machine-readable copies, such as semiconductor chips or computer-readable tapes and disks. Audiovisual works fixed in machine-readable copies are the subject of this circular.

NOTE: To be considered an audiovisual work for registration purposes, the work must contain related images that are pictorial or graphic. Works consisting only of non-dramatic text are considered non-dramatic literary works, regardless of the form of publication. For information about the registration of non-dramatic literary works, request Circular R1 and Form TX.

Copyright in an audiovisual work protects only the original pictorial images and any accompanying music, sounds, or text. It does not protect ideas, systems, methods, concepts, designs, or layouts. Also, registration for an audiovisual work does not generally extend to a related computer program and does not extend to the design of a semiconductor chip. Request Circular R61 and Form TX for information about copyright protection for computer programs; request Circular R100 and Form MW for information about mask works fixed in semiconductor chips.

REGISTRATION PROCEDURES

To apply for registration of a claim in an audiovisual work fixed only in machine-readable copies, send the following material **in the same envelope or package** to:

Register of Copyrights
Copyright Office
Library of Congress
Washington, D.C. 20559:

1. A completed application Form PA;
2. A non-refundable $10.00 filing fee (payable to Register of Copyrights); and
3. Non-returnable identifying material (see **DEPOSIT REQUIREMENTS**).

COMPLETING APPLICATION FORM PA

Complete all applicable spaces on the form. Please note the following information in completing spaces 1, 2 and 6.

SPACE 1: Give the title of the work. Identify the nature of the work as "audiovisual work." If the work includes a container or an instruction guide which contains copyrightable authorship being claimed, give the appropriate term(s) in this statement, for example, "audiovisual work including container and guide."

SPACE 2: Name the author of the audiovisual work and give the author's domicile or citizenship. In the "Nature of Authorship" space, describe the copyrightable authorship being claimed, for example, "audiovisual work." If the work includes a container or an instruction guide which contains copyrightable authorship being claimed, give the appropriate term(s), for example, "entire audiovisual work, artwork and text."

NOTE: Where a work is made for hire, the employer (not the employee) is considered the author. In this case, press only one paragraph in space 2 and place "Yes" in the work-made-for-hire question. (See the instructions on Form PA for more information about works made for hire.)

READEX MICROFICHE

SPACE 6: Complete this space only if the audiovisual work contains previously published or registered material, or material in the public domain. In space 6a, briefly describe the previously published or registered or public domain material, for example, "pictorial images," "graphic images," "sounds," or a combination of these terms if applicable. In space 6b, give a brief description of the copyrightable new material that is the subject of the present claim, for example, "new pictorial images," "new graphic images," "new sounds," or a combination of these terms if applicable. Also, include any new or changed music or text which accompanies the audiovisual work.

NOTE: When a new version is registered, the registration covers only the copyrightable new material. A new version can be registered only if it contains a certain minimum amount of new copyrightable material not in the previous version. Minor changes in the pictorial images, text, artwork, music, or sounds are not copyrightable and will not support a new registration.

DEPOSIT REQUIREMENTS

The Copyright Office has determined that for registration purposes, **identifying material,** rather than the actual machine-readable copy, **must be deposited.**

The identifying material to be deposited consists of the following three elements:

1. A reproduction of the audiovisual elements in the form of:
   a. A videotape depicting representative portions of the copyrightable content,
      OR
   b. A series of photographs or drawings depicting representative portions of the work.
2. A separate written synopsis of the audiovisual work.
3. One copy of the container or instruction guide, if one or both contain authorship being claimed.

NOTE:
- If the pictorial images exist in color, they should be reproduced in color.
- If the audiovisual work has been published with a copyright notice, the notice and its position on the work must be clearly shown in the identifying material (see below for information regarding publication and the copyright notice requirement).

PUBLICATION

Audiovisual works fixed in machine-readable copies are published when machine-readable copies are distributed publicly by sale, rental, lease, lending, or by offering to distribute copies to other people for further distribution, public performance, or public display.

FORM OF COPYRIGHT NOTICE ON PUBLISHED MACHINE-READABLE COPIES

The notice for machine-readable copies from which the audiovisual work is visually perceptible should contain the following three elements:

1. The symbol © (the letter C in a circle), or the word "Copyright," or the abbreviation "Copr.";
2. The year of first publication of the work. For a compilation or derivative work incorporating previously published material, the year date of first publication of the compilation or derivative work is required; and
3. The name of the owner of copyright in the work, or an abbreviation by which the name can be recognized, or a generally known alternative designation of the owner.

   Example: © 1985 John Doe Productions, Inc.

POSITION OF COPYRIGHT NOTICE

Examples of copyright notices in acceptable locations on works reproduced in machine-readable copies include:

1. A notice embodied in the copies in machine-readable form in such a manner that on visually perceptible printouts it appears either with or near the title, or at the end of the work; or
2. A notice that is displayed at the user's terminal at sign on; or
3. A notice that is continuously on terminal display; or
4. A notice reproduced durably, so as to withstand normal use, on a gummed or other label securely affixed to the copies or to a box, reel, cartridge, cassette, or other container used as a permanent receptacle for the copies.

FURTHER QUESTIONS

For further information, call or write:

Information Section, LM-401
Copyright Office
Library of Congress
Washington, D.C. 20559
202-287-8700

To order forms or circulars, call the Forms and Circulars Hotline, 202-287-9100, and leave a recorded request.

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